IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 3973 of 2004(W)

PETITIONER:

K.GOPALAN,
PERMANENT WORKER, STATE DEED FARM,
PERAMBRA, KOZHIKODE DISTRICT.

BY ADV. SRI.P.K.SURESH KUMAR
SRI.K.P.SUDHEER

RESPONDENTS:
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1. THE PRINCIPAL AGARICULTURE OFFICER,
KOZHIKODE.

2. THE DIRECTOR OF AGRICULTURE,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 3973/2004 W

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER NO. E(4) 13059/2001 DT. 8/1/2002 BY THE R1.

EXT.P2. COPY OF THE JUDGMENT DT. 31/07/2003 IN WPC NO. 24409/203 BY THE HONOURABLE COURT.

EXT.P3. COPY OF THE ORDER NO. E(2) 4423/2002 DY. 7/11/2003 BY THE R1.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 3973 OF 2004

Dated this the 19th day of July, 2007.

J U D G M E N T

Petitioner is essentially aggrieved by Exhibit P3 proceedings of the Principal Agriculture Officer whereby he was granted grade promotion for 30 years of service only with effect from 01.01.2000.

2. According to the petitioner, had it been 01.03.2000, the petitioner would have the benefit of one increment. Learned Government Pleader points out that the date 01.01.2000 was fixed based on the option exercised by the petitioner.

Taking note of the fact that the petitioner is only a farm worker, it is only proper that the petitioner is granted a fresh opportunity to make the re-option/fresh option. Normally this Court would have relegated the petitioner to Government for such an opportunity. But, taking note of the fact that the petitioner is only a farm worker, in whose case in fact the first respondent ought to have guided him for the proper fixation, I make it clear that the first respondent shall permit the petitioner to make a fresh option for the date of effect of option

as on 01.03.2000 and he need not be relegated to the Government in that regard. Petitioner shall do the needful within a period of two months from today and the first respondent shall take appropriate action and grant consequential benefits within another two months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp